

***REMARKS***

Reconsideration is respectfully requested. After entry of this amendment, claims 29-34, 41-53 and 61-380 will be pending. The Examiner has issued a restriction requirement in this case dividing applicants' invention into 12 groups of claims. Applicants elect Group XII, claims 29-34 and 41-60 with traverse.

The Examiner asserts that claims 1-28 and 35-39 link inventions I-XI. Applicants respectfully request reconsideration of this assertion.

Applicants have canceled claims 1-28, 35-40 and 54-60. Applicants assert that claims 29-34 link the Examiner's designated inventions I-XII.

Claims 29-34 are directed to "a mutant corn plant comprising one or more mutations wherein said one or more mutations cause at least a two to three-fold increase in the expression of a transgene as compared to the expression of the transgene in a non-mutant transgenic corn plant".

Inventions I-XII are related as they are capable of use together and have the same mode of operation.

Claims 29-34 are not directed to a transgenic plant. Instead, they are directed to a mutant corn plant that contains one or more mutations that cause at least a two to three-fold increase in the expression of a transgene as compared to the expression of the transgene in a non-mutant corn plant.

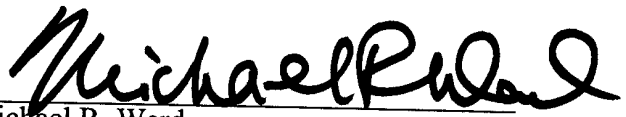
Applicants respectfully request reconsideration of the restriction requirement, and request examination of all the pending claims.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 416272061200.

Respectfully submitted,

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